

NA 2019-23 E  
287075



600 University Street, Suite 3600  
Seattle, WA 98101  
T. 206.386.7664  
F. 206.386.7500  
www.stoel.com

JENNIFER L. MERSING  
D. 206.386.7664  
jennifer.mersing@stoel.com

August 23, 2019

**VIA ELECTRONIC FILING**

The Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

**Re: TWE Bowman Solar Project, LLC**  
**Docket No. EG19-\_\_-000**

Dear Secretary Bose:

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission's (the "Commission") regulations, 18 C.F.R. § 366.7, please find enclosed a notice of self-certification of exempt wholesale generator ("EWG") status submitted for filing by TWE Bowman Solar Project, LLC. This filing has been mailed on this date to the South Carolina Public Service Commission.

Please contact the undersigned if you have any questions regarding this notice.

Respectfully submitted,

*/s/ Jennifer L. Mersing*

Jennifer L. Mersing  
*Counsel for TWE Bowman Solar Project, LLC*

cc: South Carolina Public Service Commission

**RECEIVED**  
**AUG 26 2019**  
PSC SC  
MAIL / DMS

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

TWE Bowman Solar Project, LLC

)

Docket No. EG19-\_\_-000

**NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7, TWE Bowman Solar Project, LLC (“Company”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”) (“Notice”), as defined in Section 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1.

**I. COMMUNICATIONS**

Communications with regard to this Notice should be addressed to:

Stephanie Murr  
Pine Gate Renewables, LLC  
111 Hawthorne Lane, Suite 201  
Charlotte, NC 28205  
Telephone: (704) 641-9019  
Email: [smurr@pgrenewables.com](mailto:smurr@pgrenewables.com)

Jennifer M. Mersing  
Stoel Rives LLP  
600 University Street, Suite 3600  
Seattle, WA 98101  
Telephone: (206) 386-7664  
Fax: (206) 386-7500  
Email: [jennifer.mersing@stoel.com](mailto:jennifer.mersing@stoel.com)

**II. DESCRIPTION OF COMPANY**

The Company owns a 74.97 MWac solar photovoltaic (“solar PV”) powered electricity generating facility under development in Bowman, Orangeburg County, South Carolina (the “Facility”). The Facility will interconnect with the South Carolina Electric & Gas Company (“SCE&G”) system. The Facility has an executed power purchase agreement with the SCE&G under which the Company will sell all of the Facility’s output to SCE&G. The Company owns the Facility and will sell all of its output exclusively at wholesale.

---

<sup>1</sup> Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

The Facility is expected to begin generating test energy in February 2021. The Facility will be comprised of solar PV panels and associated facilities and equipment necessary for the generation of power at wholesale. The Facility will also include electric interconnection facilities necessary to effectuate the Company's wholesale power sales from the Facility.

### III. REPRESENTATIONS REGARDING EWG STATUS

The Commission's regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or more eligible facilities and selling electric energy at wholesale.<sup>2</sup> Consistent with the Commission's regulations, Company makes the following representations to certify that it satisfies the requirements for EWG status:

A. The Company is engaged directly, or indirectly through one of more affiliates as defined in section 366.1 of the Commission's regulations, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more "eligible facilities" and selling electric energy at wholesale.<sup>3</sup>

---

<sup>2</sup> See 18 C.F.R. §§ 366.7 and 366.1 (2014). Section 366.1 incorporates Sections 32(a)(2) through (4), and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5b(b)-(d) ("PUHCA 1935"), for purposes of establishing or determining whether an entity qualifies for EWG status.

<sup>3</sup> The Company may engage in activities incidental to the sale of electric energy, consistent with Commission precedent. The Commission's precedent provides that an EWG applicant may engage in certain activities associated with the development and acquisition of as-yet-unidentified eligible facilities and/or EWGs, including due diligence, project design review and development, preparation of bid proposals, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, negotiation of contractual commitments with governmental authorities and other project participants, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG. *Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994).

B. The Facility is an “eligible facility” because (i) it is used for the generation of electric energy exclusively for sale at wholesale and (ii) it includes only those interconnecting transmission facilities that are necessary to effect a sale of electric energy at wholesale.

C. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect under the laws of any state on October 24, 1992. Therefore, no determinations by a state commission are necessary for this self-certification to become effective.

D. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or an associate company of the Company, as defined in section 366.1 of the Commission’s regulations other than an affiliate or associate company that is an EWG.

#### **IV. STATE COMMISSION NOTIFICATION**

As required by section 366.7(a) of the Commission’s regulations, the Company has on this day mailed a copy of this Notice of Self-Certification to the South Carolina Public Service Commission, which is the state regulatory authority of the state in which the Facility is located.

#### **V. SUBSCRIPTION CERTIFICATION**

Pursuant to Section 366.7 of the Commission’s regulations, attached to this filing as Attachment A is a signed subscription certification by a representative legally authorized to bind the Company, attesting to the facts and representations in this Notice, which demonstrate eligibility for EWG status.

## VI. CONCLUSION

Based upon the facts, representations and statements set forth herein, the Company respectfully requests that the Commission accept this notice of self-certification of EWG status.

DATED: August 23, 2019.

Respectfully submitted,

/s/ Jennifer L. Mersing  
Jennifer L. Mersing  
*Counsel for TWE Bowman Solar Project, LLC*

## **ATTACHMENT A**

---

### **SUBSCRIPTION CERTIFICATION**

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

TWE Bowman Solar Project, LLC

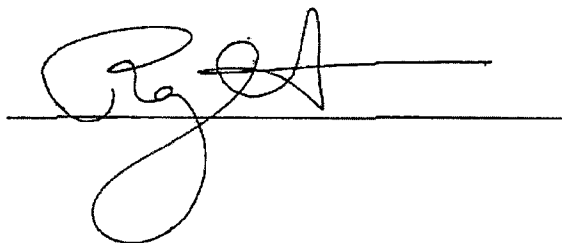
)

Docket No. EG19-\_\_\_\_-000

**CERTIFICATION**

I, the undersigned, and as an officer of Pine Gate Renewables, LLC, certify that I have read the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status being filed by TWE Bowman Solar Project, LLC for a determination of exempt wholesale generator status and know the contents thereof; and the facts and representations set forth in the attached certification of exempt wholesale generator status are true and correct to the best of my knowledge, information and belief. I possess the full power and authority to sign this filing.

DATED: 8/7, 2019



**ATTACHMENT B**

---

**CERTIFICATE OF SERVICE**



**CERTIFICATE OF SERVICE**

I hereby certify that foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of TWE Bowman Solar Project, LLC was served on the 23rd of August, 2019, upon the following:

South Carolina Public Service Commission  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

/s/ Jennifer L. Mersing  
Jennifer L. Mersing  
Stoel Rives LLP  
600 University Street, Suite 3600  
Seattle, Washington 98101  
*Counsel for TWE Bowman Solar Project, LLC*